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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,364	02/04/2002	Vyacheslav S. Belenko	CIT/K-0138	8168
34610	7590	04/04/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			BROWN, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/061,364	Applicant(s) BELENKO ET AL.	
	Examiner Christopher J. Brown	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/29/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see filed 12/29/05, with respect to Sims US 6,550,011 have been fully considered and are persuasive.

Applicant argues that Sims does not teach a watermark does not teach an owner watermark including owner identification and owner copy control. While Sims does teach encoding copy control and owner identification into media, it is not explicit that it is done through a watermarking technique.

Applicant's arguments filed 12/29/05 have been fully considered but they are not persuasive.

Applicant argues that Gruse US 6,398,245 does not teach or suggests at least adding a player watermark to said decrypted media data set wherein said player copy-control information is derived from said owner copy-control information.

The examiner disagrees. Gruse teaches a player application that updates a watermark, thus adding a player watermark, with control information derived from said owner control information, (Col 11 line 23). Gruse makes up for the deficiency of Sims by teaching an owner watermark that identifies the owner and and owner copy control information, (Col 11 lines 30-34). Gruse teaches a second watermark made by a player that includes the player identification and limitations on a licence purchased from the content owner, (Col 11 lines 33-37).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Gruse US 6,398,245 in view of Ansell US 6,367,019

As per claims 1, 5, 11, and 13 Sims III teaches a media distribution system in which the media data is encrypted with a symmetric key, (Col 10 lines 15-20, 53-60). Sims III teaches distributing the symmetric media key by encrypting it with a public key (Col 10 lines 45-55). Sims III teaches decrypting said media key with a private key, and using said media key to exchange data, (Col 10 lines 55-65). Sims III does not teach player identification or owner information based in watermark data.

Gruse teaches an owner watermark that identifies the owner and owner copy control information, (Col 11 lines 30-34). Gruse teaches a second watermark made by a player that includes the player identification and limitations on a license purchased from the content owner, (Col 11 lines 33-37). Gruse teaches a player application that updates a watermark, thus adding a player watermark, with control information derived from said owner control information, (Col 11 line 23).

It would have been obvious to one of ordinary skill in the art to use the player identification in a watermark because it further discourages copyright violation.

Ansell teaches the end user player device authenticating another compliant device and encrypting data with a media key, and encrypting a media key with a public key of the compliant device, only sending media if authentication was successful (Col 2 lines 52-67, Col 3 lines 1-15).

It would have been obvious to one of ordinary skill in the art to include the end user player functionality because the system allows the user to share legally owned music securely.

As per claims 2, and 6 Sims III teaches the public key uses an asymmetric algorithm, (Col 4 lines 6-8).

As per claim 9, Sims III teaches using watermark identification and copy-control information, (Col 15 lines 10-15, Col 21 lines 15-22).

As per claim 10, 12 Ansell teaches that transfers to external devices are secure, or encrypted, (Col 2 lines 52-67, Col 3 lines 1-15).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jaques Louis Jaques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

3/28/06

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, likely representing the initials 'CJB'.A handwritten signature in black ink, written diagonally. The signature appears to read 'Jacques Bon-jour' and is followed by some less legible text.